

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CENTRIFUGAL ACQUISITION CORP., INC.,
d/b/a Centrifugal Castings,
a Delaware Corporation,**

Plaintiff,

Case No. 09-C-327

-v-

**JEFFREY A. MOON,
JM CASTING CO., LLC, a Wisconsin limited liability
company,
U.S. BATTERY MFG. AUGUSTA, INC. d/b/a
U.S. BATTERY MANUFACTURING, CO.,
a Georgia corporation,
J. BENNETT MULLINAX,
NEAL P. PIEROTTI, and
DAVID KAPPOS, Director of the United States
Patent and Trademark Office,**

Defendants.

ORDER

On March 7, 2012, the Court conducted a telephone hearing on the record regarding Plaintiff Centrifugal Acquisition Corporation, Inc's ("CAC") emergency motion for contempt and for abandonment of the patent application and other relief, including a renewal of its motion for a temporary restraining order, the motion to strike filed by Defendants Jeffrey A. Moon and JM Casting Co., LLC (collectively the "JM Defendants"), and CAC's motion to reduce bond.

During the hearing, CAC and the JM Defendants agreed that a special master should be appointed to assist the Court in determining the extent, if any, to which United

States Patent Application Serial Number 12/925,329 impinges upon the Proprietary Process deemed to be a trade secret by the Court. (*See* Court's February 2, 2012, permanent injunction (ECF No. 206) order.) (*See also* December 30, 2009, stipulated preliminary injunction (ECF No. 88).) Defendants U.S. Battery Mfg. Augusta, Inc., J. Bennett Mullinax, Neal P. Pierotti, and David Kappos, Director of the United States Patent and Trademark Office, agreed that they need not be involved in the special master process.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The JM Defendants' motion to strike (ECF No. 235) is **DENIED** as moot;

No later than March 14, 2012, the JM Defendants must file any response to CAC's motion to reduce bond (ECF No. 242);

No later than March 21, 2012, CAC must file any reply thereto (ECF No. 242);

The Court March 5, 2012, Order requiring CAC to post a \$100,000 bond within 10 days of that Order (ECF No. 240) is **STAYED** until further order of the Court;

No later than March 21, 2012, CAC and the JM Defendants **MUST** file no more than three names of individuals whom they propose serve as the special master;

CAC and the JM Defendants **ARE RESPONSIBLE** for the special master's compensation;

Following the Court's appointment of the special master and the special master's completion of the analysis of the extent, if any, to which United States Patent

Application Serial Number 12/925,329 impinges upon the Proprietary Process deemed to be a trade secret by the Court, the special master **MUST SUBMIT** for *in camera* review by the Court, a report including recommended findings and conclusions;

Thereafter, pursuant to a protective order to be issued by the Court, CAC and the JM Defendants will have the opportunity to review the United States Patent Application Serial Number 12/925,329 and the special master's report, and to file objections, if any, to that report; and

With respect to CAC's motion for contempt (ECF No. 232), **no later than March 21, 2012**, the JM Defendants **MUST FILE** an inventory of all property, equipment and materials relating to or which contain elements of the Proprietary Process and/or the Confidential Business Information, in their possession including those used to manufacture batteries for Defendant U.S. Battery Mfg. Augusta, Inc. on and after entry of the Preliminary Injunction and the Permanent Injunction in this action, such as match plates, tooling, drawings, molds and similar items or materials; and for any property, equipment or materials not in their possession, provide a written explanation of where they are.

Dated at Milwaukee, Wisconsin, this 7th day of March, 2012.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge